

CHAPTER 25-10. - SIGN REGULATIONS.

ARTICLE 1. - GENERAL PROVISIONS.

§ 25-10-1 - APPLICABILITY.

- (A) Except as otherwise provided in this section, this chapter applies to a sign that is:
- (1) located in the planning jurisdiction;
 - (2) visible from a street right-of-way; and
 - (3) used for advertising.
- (B) Except as provided in Subsection (C), this chapter does not apply to the official flag of a nation or of a state.
- (C) Section 25-10-23 (*Hazardous Signs Described And Prohibited*), Section 25-10-24 (*Abatement Of A Hazardous Sign*), and Section 25-10-103 (*Signs Prohibited In Public Right-Of-Way*) apply to all signs in the planning jurisdiction.

Source: Section 13-2-850, 13-2-851(a), and 13-2-851(d); Ord. 990225-70; Ord. 031030-11; Ord. 031211-11.

§ 25-10-2 - COMPLIANCE REQUIRED.

- (A) A person may not install, move, structurally alter, structurally repair, maintain, or use a sign except in accordance with the provisions of this chapter and other applicable Code provisions.
- (B) The primary beneficiary of a sign installed, moved, structurally altered, structurally repaired, maintained, or used in violation of this Code is presumed to have authorized the installation, movement, structural alteration, structural repair, maintenance, or use of the sign in violation of this Code.
- (C) A person who violates Subsection (A) or (B) commits an offense.

Source: Section 13-2-851; Ord. 990225-70; Ord. 031211-11.

§ 25-10-3 - DEFINITIONS.

In this chapter:

- (1) ADVERTISING SEARCHLIGHT means a searchlight used to direct beams of light upward for advertising purposes.
- (2) COMMERCIAL FLAG means a piece of fabric or other flexible material displayed for commercial purposes, but excluding the official flag of a nation or of a state.
- (3) CORE TRANSIT CORRIDOR means a roadway designated under "Core Transit Corridors" in Article 5 of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*).
- (4) FUTURE CORE TRANSIT CORRIDOR means a roadway designated under "Core Transit Corridors, Future" in Article 5 of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*).



- (5) FREESTANDING SIGN means a sign not attached to a building, but permanently supported by a structure extending from the ground and permanently attached to the ground.
- (6) MAINTENANCE means the cleaning, painting, repairing, or replacing of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign, but does not include changing the design of the sign's support construction, changing the type of component materials, or increasing the illumination.
- (7) MEMORIAL MARKER means a marker honoring a City of Austin public safety officer killed in the line of duty.
- (8) MOBILE BILLBOARD means a sign installed or displayed on a vehicle operating in the public right-of-way for the purpose of advertising a business or entity that is unrelated to the owner of the vehicle's primary business. The term does not include a sign that is displayed or installed on:
 - (a) a non-motorized vehicle, including but not limited to pedi-cabs;
 - (b) a bus that is used primarily for the purpose of transporting multiple passengers;
 - (c) a taxicab, if the sign complies with the requirements of City Code Section 13-2-388; or
 - (d) a vehicle operated in the normal course of the vehicle owner's business, if the sign contains advertising or identifying information directly related to the business and is not used to display advertising that is unrelated to the business.
- (9) MULTI-TENANT CENTER SIGN means a sign advertising two or more uses with common facilities.
- (10) NONCONFORMING SIGN means a sign that was lawfully installed at its current location but does not comply with the requirements of this chapter.
- (11) OFF-PREMISE SIGN means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site.
- (12) PROJECTING SIGN means a wall sign that extends over street right-of-way for a distance of more than 18 perpendicular inches from the building facade.
- (13) PROJECTED SPECIAL EVENT SIGN means an image or series of images displayed on a building façade and conveyed to the building façade via beams of light for the purpose of identifying a special event.
- (14) PUBLIC RIGHT-OF-WAY means land dedicated or reserved for street right-of-way, utilities, or other public facilities.
- (15) RIGHT-OF-WAY INSTALLATION means a legally permitted bicycle kiosk, bus stop, or transit facility that is located in the public right-of-way.
- (16) ROOF SIGN means a sign installed over or on the roof of a building.
- (17) SIDEWALK SIGN means a sign located on a sidewalk, either within street right-of-way or on private property within a unified development, advertising the business abutting the sidewalk where the sign is located.
- (18) SPECIAL EVENT means an event that
 - (a) has 100 or more attendees per day at a city facility, other than the Austin Convention Center, Long Center, City Hall, or Palmer Events Center;
 - (b) impacts a city street, sidewalk, alley, walkway, or other city public right-of-way other than as permitted under Chapter 14-6 (*Temporary Street Closure*); or
 - (c) is temporary, involves 100 or more attendees per day, and

- (i) is inconsistent with the permanent use to which the property may legally be used, or the occupancy levels permitted on the property; and
- (ii) includes one of the following:
 - Set up of temporary structures including, but not limited to tents, stages, or fences;
 - Sound equipment, as defined in Section 9-2-1 (*Definitions*); or
 - Consumption of food or alcohol.

(19) STREET BANNER means a fabric sign hung over a street maintained by the City.

(20) STREET RIGHT-OF-WAY means the entirety of a public street right-of-way, including the roadway and pedestrianway.

(21) WALL SIGN means a sign attached to the exterior of a building or a freestanding structure with a roof but not walls.

Source: Sections 13-2-850, 13-2-854(a), 13-2-869(b), 13-2-873(a), 13-2-874(a), and 13-2-875(a); Ord. 990225-57; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. 20080605-076; Ord. 20090827-032; Ord. 20100610-064; Ord. 20140213-088, Pt. 2, 2-24-14; Ord. No. 20140828-146, Pt. 1, 9-8-14.

§ 25-10-4 - SIGN AREA CALCULATIONS.

- (A) For a wall sign, the sign area is the lesser of:
 - (1) the area of the smallest rectangle within which the face of the sign can be enclosed; or
 - (2) the smallest area of not more than three contiguous rectangles enclosing different sections of the sign.
- (B) For a single sign having two faces with only one face visible from any point, the sign area is measured using only one face.
- (C) For a three-dimensional sign, the sign area is the smallest rectangle within which the largest silhouette of the sign can be enclosed.
- (D) Sign area includes a sign apron or similar feature and an area displaying a sign company name or symbol. Sign area does not include a supporting structure, pole cover, or landscape feature unless used to convey a message.
- (E) A door surface sign is not included in calculating maximum allowable sign area.
- (F) For a sign on a corner site whose allowable sign area is based on linear feet of street frontage, the maximum sign area is calculated using only the single largest street frontage.

Source: Sections 13-2-885 and 13-2-867; Ord. 990225-70; Ord. 031211-11; Ord. 040205-29.

§ 25-10-5 - CLEARANCE AND HEIGHT CALCULATIONS.

- (A) Sign clearance is calculated by measuring the smallest vertical distance between the grade of the adjacent street pavement or curb and the lowest point of the sign. Sign framework and embellishment are included in the measurement, and sign supports are excluded.
- (B) Sign height is calculated by measuring the vertical distance above grade, street pavement, or building facade to the highest point of the sign.

Source: Section 13-2-850; Ord. 990225-70; Ord. 031211-11.

§ 25-10-6 - SCENIC ROADWAYS DESCRIBED.

The following are scenic roadways:

- (1) Arterial 8 (Adelaide Drive/Forsythia Drive);
- (2) Barton Springs Road;
- (3) Loop 1 (MoPac);
- (4) Loop 360 (Capital of Texas Highway), south of US 183;
- (5) RM 620, from SH 71 to Anderson Mill Road (FM 2769);
- (6) RM 2222, west of MoPac only;
- (7) RM 2244;
- (8) Lake Austin Boulevard;
- (9) West Cesar Chavez Street;
- (10) Riverside Drive;
- (11) Spicewood Springs Road, from Mesa Drive to Loop 360;
- (12) William Cannon Drive, from Brodie Lane to Southwest Parkway;
- (13) Escarpment Boulevard, from William Cannon Drive to Arterial 11 (SH 45);
- (14) Arterial 5 (McKinney Falls Parkway) from US 183 to William Cannon Drive;
- (15) FM 973 from SH 71 to US 183;
- (16) SH 71 east of IH-35;
- (17) US 183 south of SH 71;
- (18) Cameron Road, north of US 183;
- (19) Parmer Lane, except for the area between Loop 1 (MoPac) and IH-35;
- (20) Stassney Lane, east of IH-35;
- (21) Slaughter Lane;
- (22) Old Spicewood Springs Road, from Loop 360 to Old Lampasas Trail; and
- (23) SH 130.

Source: Section 13-2-1; Ord. 990225-70; Ord. 000511-110; Ord. 031211-11; Ord. 20060112-058.

ARTICLE 2. - ENFORCEMENT.

§ 25-10-21 - ENFORCEMENT AND IMPLEMENTATION.

The building official shall:

- (1) enforce and implement this chapter;

- (2) issue permits and collect fees required by this chapter;
- (3) conduct inspections to insure compliance with this chapter;
- (4) institute legal proceedings to insure compliance with this chapter, including suits for injunctive relief; and
- (5) investigate complaints of alleged violations of this chapter.

Source: Section 13-2-852(a); Ord. 990225-70; Ord. 031211-11.

§ 25-10-22 - AUTHORIZATION TO EXCEED SIZE OR HEIGHT RESTRICTION.

- (A) The building official may authorize installation of a sign that exceeds the applicable size or height restriction by up to 20 percent of the maximum size or height prescribed by this chapter after determining that:
 - (1) the sign owner or user has demonstrated the existence of practical difficulties in complying with this chapter;
 - (2) a unique circumstance exists that makes compliance with the requirements of this chapter impractical;
 - (3) the modification is in conformity with the purposes of this chapter; and
 - (4) the modification does not lessen public safety requirements.
- (B) The building official shall record the details of a modification authorized under this section in the City files.

Source: Section 13-2-852(b); Ord. 990225-70; Ord. 031211-11.

§ 25-10-23 - HAZARDOUS SIGNS DESCRIBED AND PROHIBITED.

- (A) A sign installed, maintained, or used in violation of Subsection (B) is a hazardous sign.
- (B) A person may not install, maintain, or use a sign that:
 - (1) obstructs a fire escape, required exit, window, or door used as a means of escape;
 - (2) interferes with a ventilation opening, except that the sign may cover a transom window if the window and the sign comply with the Building Code and Fire Code;
 - (3) substantially obstructs the lighting of public right-of-way or other public property, or interferes with a public utility or traffic control device;
 - (4) contains or uses a supporting device placed on public right-of-way or other public area within the full purpose boundaries of the city, unless the use of the public right-of-way or other public area has been approved by city council;
 - (5) is illuminated in a manner that creates a hazard to pedestrian or vehicular traffic;
 - (6) creates a traffic hazard by restricting visibility at a curb cut;
 - (7) has less than nine feet of clearance and is located within a triangle formed by connecting the intersection point of two streets and the points 45 feet from the intersection point on the street frontage property line of each intersecting street;
 - (8) violates a requirement of the Electric Code;
 - (9) does not comply with a requirement of Section 25-10-191 (*Sign Setback Requirements*); or

(10) is determined by the building official to be dangerous because of a condition or defect described in Section 302 of the Dangerous Buildings Code.

Source: Section 13-2-888; Ord. 990225-70; Ord. 031211-11.

§ 25-10-24 - ABATEMENT OF A HAZARDOUS SIGN.

- (A) The building official shall give notice that abatement of a hazardous sign is required to the sign owner, sign user, or property owner. The notice must:
 - (1) be sent by certified mail, return receipt requested, or hand-delivery; and
 - (2) include a statement that the building official may exercise the powers granted by Subsection (C) if the hazardous sign is not abated.
- (B) The recipient of a notice described in Subsection (A) shall remove, modify, or repair the hazardous sign and abate the hazardous condition within a reasonable period of time established by the building official, not to exceed 10 days after receipt of the notice.
- (C) If the hazardous condition is not abated in accordance with Subsection (B), the building official may enter the premises and abate the hazardous condition. The reasonable cost of abating the hazardous sign, together with interest on the unpaid balance at an interest rate of six percent, shall be taxed as a lien against the record owner of the property on which the sign is located.
- (D) If the building official removes a sign under Subsection (C), the building official shall retain the sign for at least 10 days before disposing of the sign. If during this period the sign owner pays the storage fee established by the city council, the building official shall return the sign to its owner.

Source: Section 13-2-853; Ord. 990225-70; Ord. 031211-11.

ARTICLE 3. - VARIANCES.

§ 25-10-41 - BOARD OF ADJUSTMENT POWERS.

The Board of Adjustment may grant a variance in accordance with this article.

Source: Section 13-2-921(a); Ord. 990225-70; Ord. 020207-35; Ord. 031211-11; Ord. No. 20141211-204, 7-1-15.

§ 25-10-42 - FILING; REVIEW.

- (A) To apply for a variance a person must file an application for a variance with the building official.
- (B) The Board of Adjustment may establish guidelines for its review of variances.

Source: Sections 13-2-921(d) and (e); Ord. 990225-70; Ord. 020207-35; Ord. 031211-11; Ord. No. 20141211-204, Pt. 23, 7-1-15.

§ 25-10-43 - ACTION ON VARIANCE.

- (A) The Board of Adjustment may grant a variance from a requirement of this chapter after determining that granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated; and
 - (1) the variance is necessary because enforcement of the requirement prevents any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site including its dimensions, landscaping, or topography;
 - (2) granting the variance will not have a substantially adverse effect on neighboring properties; or
 - (3) granting the variance will not substantially conflict with the purposes of this chapter.
- (B) The Board of Adjustment shall hold a public hearing on an application for a variance not later than the 45th day after the date the application is filed.

Source: Sections 13-2-921(b) and (c); Ord. 990225-70; Ord. 020207-35; Ord. 031211-11; Ord. 20050804-044; Ord. No. 20141211-204, Pt. 23, 7-1-15.

§ 25-10-44 - APPEAL TO CITY COUNCIL.

An interested party may appeal to the city council the Board of Adjustment's action under Section 25-10-43 (*Action On Variance Or Appeal*).

Source: Section 13-2-921(f); Ord. 990225-70; Ord. 031211-11; Ord. No. 20141211-204, Pt. 23, 7-1-15.

ARTICLE 4. - REMOVAL OF CERTAIN SIGNS; COMPENSATION.

§ 25-10-61 - REQUIRED REMOVAL OF FESTOONS AND PORTABLE SIGNS.

The owner of a lawfully installed festoon or portable sign shall remove the festoon or portable sign if compensation is available and notice is given in accordance with this article.

Source: Section 13-2-927; Ord. 990225-70; Ord. 031211-11.

§ 25-10-62 - DETERMINATION OF COMPENSATION.

- (A) The Sign Control Board shall determine the amount of compensation that the owner of a festoon or portable sign is entitled to be paid by the City.
- (B) The Sign Control Board may make a determination under Subsection (A) only after a public hearing at which the sign owner has an opportunity to be heard.
- (C) Notice of the public hearing shall be given in accordance with the requirements of Section 25-1-132(A) (*Notice Of Public Hearing*), except that notice of the public hearing is required to be given only to the sign owner.
- (D) The Sign Control Board may establish rules, procedures, and guidelines consistent with this article and applicable law to exercise its powers under this section.

Source: Section 13-2-926; Ord. 990225-70; Ord. 031211-11.

§ 25-10-63 - COMPENSATION APPROVAL; NOTICE; REMOVAL DEADLINE.

- (A) After the Sign Control Board has determined the amount of compensation to which a sign owner is entitled under Section 25-10-62 (*Determination Of Compensation*), the city council may approve payment of the compensation by a method authorized by Local Government Code Chapter 216 (*Regulation Of Signs By Municipalities*).
- (B) If the requirements of Subsection (A) are satisfied, the building official shall notify the owner that the compensation is available and will be paid on removal of the sign. Notice shall be given under Section 25-1-133(B) (*Notice Of Applications And Administrative Decisions*).
- (C) The sign owner shall permanently remove the sign not later than the 10th day after notice is given in accordance with Subsection (B).

Source: Section 13-2-927; Ord. 990225-70; Ord. 031211-11.

ARTICLE 5. - SIGN DISTRICTS.

§ 25-10-81 - SIGN DISTRICTS DESCRIBED; HIERARCHY ESTABLISHED.

Sign districts are described and established in the following hierarchy, with the historic sign district as the first district and the commercial sign district as the last district.

- (1) The historic sign district includes land in:
 - (a) a designated historic landmark or historic district; or
 - (b) a National Register District.
- (2) The expressway corridor sign district includes land within 200 feet of the street right-of-way of:
 - (a) IH-35; and
 - (b) those portions of U.S. Highway 183, U.S. Highway 290, and State Highway 71 that are developed as a limited access highway, or have been designated by the Texas Department of Transportation as a limited access highway and for which there is a construction contract.
- (3) The scenic roadway sign district includes:
 - (a) land in a Hill Country Roadway corridor;
 - (b) land that would be in a Hill Country Roadway corridor if it were in the zoning jurisdiction;
 - (c) land within 200 feet of a scenic arterial; and
 - (d) land in a tract that is partially within 200 feet of a scenic roadway and that has frontage on and direct access to the scenic roadway.
- (4) The neighborhood sign district includes land located:
 - (a) in a traditional neighborhood zoning district; or
 - (b) in a neighborhood plan combining district, and that is used for:
 - (i) a corner store special use;
 - (ii) a neighborhood mixed use building special use;
 - (iii) a residential infill special use; or
 - (iv) a neighborhood urban center special use.

- (5) The low-density residential sign district includes land in a zoning district that is more restrictive than a townhouse and condominium residence (SF-6) zoning district.
- (6) The multifamily residential sign district includes land in the following zoning districts:
 - (a) townhouse and condominium residence (SF-6);
 - (b) multifamily residence limited density (MF-1);
 - (c) multifamily residence low density (MF-2);
 - (d) multifamily residence medium density (MF-3);
 - (e) multifamily residence moderate-high density (MF-4);
 - (f) multifamily residence high density (MF-5);
 - (g) multifamily residence highest density (MF-6);
 - (h) mobile home residence (MH);
 - (i) neighborhood office (NO);
 - (j) agricultural (AG); and
 - (k) development reserve (DR).
- (7) The neighborhood commercial sign district includes land in the LO, LR, CR, or W/LO zoning districts.
- (8) The downtown sign district includes land in the CBD and the DMU zoning districts.
- (9) The commercial sign district includes land that is not in any other sign district.

Source: Section 13-2-861; Ord. 990225-70; Ord. 000406-81; Ord. 030306-48A; Ord. 031030-11; Ord. 031211-11.

§ 25-10-82 - DETERMINATION OF APPLICABLE SIGN DISTRICT.

- (A) Except as otherwise provided in this section, the sign regulations for a sign district apply to all land in the sign district.
- (B) If a sign is located in more than one sign district, the regulations for the sign district that first appears in the hierarchy described in Section 25-10-81 (*Sign Districts Described And Established*) apply to the sign.
- (C) A nonconforming use is in the sign district that would apply if that nonconforming use were located in the most restrictive zoning district in which that nonconforming use is a permitted use.
- (D) For property that is not permanently zoned, the building official shall:
 - (1) determine the use or proposed use and determine which base zoning district would be the most restrictive base zoning district in which that use would be a permitted use; and
 - (2) designate the property as a sign district in accordance with the determination under Subsection (D)(1).

Source: Sections 13-2-860 and 13-2-861(b) and (c); Ord. 990225-70; Ord. 031211-11.

ARTICLE 6. - REGULATIONS APPLICABLE TO ALL SIGN DISTRICTS.

§ 25-10-101 - SIGNS ALLOWED IN ALL SIGN DISTRICTS WITHOUT AN INSTALLATION PERMIT.

- (A) Except as otherwise provided in this chapter, a person may install or modify a sign described in this section without first obtaining a sign installation permit from the building official.
- (B) This subsection applies to a temporary freestanding or wall sign advertising the construction, remodeling, development, sale, or lease of a building or the land on which the sign is located.
 - (1) One sign is permitted on each lot, or for a single use or unified development, one sign for each major access point is permitted.
 - (2) A sign may only be displayed from the 30th day before the activity begins until the 30th day after the activity ends.
 - (3) The sign area of a freestanding sign may not exceed:
 - (a) 128 square feet;
 - (b) for a low density residential sign district, 12 square feet; or
 - (c) for a multifamily residential sign district, 48 square feet.
 - (4) The sign area of a wall sign is may not exceed an area equal to 10 percent of the building facade.
 - (5) A sign may not exceed a height of:
 - (a) 22 feet above grade; or
 - (b) for a low density residential sign district, six feet above grade.
- (C) This subsection applies to a sign directing the movement or placement of vehicular or pedestrian traffic.
 - (1) One freestanding or wall sign for each building or curb cut is permitted.
 - (2) The sign area may not exceed 12 square feet.
 - (3) The height of a sign may not exceed:
 - (a) for a freestanding sign, four feet above grade; and
 - (b) for a wall sign, the height of the facade.
- (D) The following governmental signs are permitted:
 - (1) a sign installed, maintained, or used by the city, county, state, or federal government;
 - (2) a sign required or authorized for a public purpose under city, county, state, or federal government regulations; and
 - (3) a sign installed in a public right-of-way by a government agency to regulate traffic.
- (E) A decoration that displays or depicts a national, local, or religious holiday or season is permitted if installed, maintained, or used for not more than 45 consecutive days.
- (F) This subsection applies to small signs, emblems, and decals informing the public of goods, facilities, or services available on the premises, including credit card signs and hours of operation signs.
 - (1) A sign described in this subsection is not permitted in the low density residential or multifamily residential sign districts.
 - (2) For each premise, the total sign area of the signs described in this subsection may not exceed six square feet.
- (G) This subsection applies to a bulletin board, changeable copy directory, or a sign relating solely to a public, religious, or charitable institution, and intended for use by the institution on which the sign is located.

- (1) One sign is permitted for each institution.
- (2) The sign area may not exceed 32 square feet.
- (3) A sign may not exceed a height of six feet above grade.
- (H) Memorial signs or tablets are permitted, including:
 - (1) freestanding historical markers; and
 - (2) building names or construction dates, if cut into the building surface or inlaid to become part of the building.
- (I) This subsection applies to a free-standing or wall sign used to inform patrons of food that may be purchased on the premises.
 - (1) Not more than two menu boards are permitted for each drive-through lane at a business.
 - (2) The sign area may not exceed 32 square feet.
 - (3) The sign may not exceed a height of eight feet above grade.
 - (4) The sign must be landscaped and substantially screened from the street right-of-way.
- (J) A nonelectrical, on-premise sign that communicates only the name of the occupant or the address of the premises is permitted if the sign area does not exceed three square feet.
- (K) A sign advertising a retail item accompanying its display, including an advertisement on a product dispenser, is permitted.
- (L) Except as otherwise provided in this subsection, a sign that contains primarily a political message and that is located on private real property with the consent of the property owner is permitted. "Private real property" does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose.
 - (1) The sign may not:
 - (a) have a sign area greater than 36 square feet;
 - (b) be more than eight feet high;
 - (c) be illuminated; or
 - (d) have a moving part.
 - (2) This subsection does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.
- (M) A flag, banner, or other similar emblem that is not a commercial flag is permitted if suspended entirely over private property.
- (N) A temporary on-premise wall sign advertising a special event, sale, product, or service:
 - (1) may be displayed for not more than 30 days;
 - (2) must include the date it was installed; and
 - (3) is limited to a sign area of not more than:
 - (a) 30 percent of the window area, if in a window; or
 - (b) 96 square feet, if attached flat against a building.
- (O) A sign installed on or in a window or door is permitted. The total sign area of all window and door signs are included in and limited by the maximum sign area permitted under this chapter.
- (P) A sign on private property that advertises a garage sale, yard sale, neighborhood meeting, or similar events is permitted. The sign:

- (1) must include the installation date; and
- (2) may be displayed for not more than:
 - (a) three consecutive days; or
 - (b) for a sign concerning a lost or found pet, 30 consecutive days.
- (Q) A wall sign or freestanding sign that complies with the requirements of this subsection is permitted in a sign district other than the historic, low density residential, or traditional neighborhood sign districts.
 - (1) A wall sign must be securely affixed to a building, fence, or wall, and the sign may not exceed:
 - (a) 32 square feet of sign area; or
 - (b) three inches of thickness.
 - (2) A freestanding sign may not exceed:
 - (a) a height of eight feet above grade; or
 - (b) 20 square feet of sign area.
 - (3) The sign:
 - (a) may not be an electrical sign;
 - (b) must be composed of durable materials; and
 - (c) must comply with applicable sign district regulations concerning the type, maximum number, maximum height, and maximum size of signs.
- (R) A sign or banner installed by a public educational facility on a legally permitted building or fence located on the facility's property is permitted, except that the sign may not be displayed for more than 150 days consecutively.
- (S) A sign installed on the interior wall of a building is permitted.

Source: Section 13-2-862; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. No. 20140828-147, Pt. 1, 9-8-14.

§ 25-10-102 - SIGNS PROHIBITED IN ALL SIGN DISTRICTS.

Unless the building official determines that the sign is a nonconforming sign, the following signs are prohibited:

- (1) an off-premise sign, unless the sign is authorized by another provision of this chapter;
- (2) a sign placed on a vehicle or trailer that is parked or located for the primary purpose of displaying the sign;
- (3) a festoon, including tinsel, strings of ribbon, small commercial flags, streamers, and pinwheels;
- (4) a sign not permanently affixed to a building, structure, or the ground that is designed or installed in a manner allowing the sign to be moved or relocated without any structural or support changes, excluding a sidewalk sign described in Section 25-10-153 (*Sidewalk Sign In Downtown Sign District*);
- (5) a tethered, pilotless balloon or other gas-filled device used as a sign;
- (6) a sign that uses an intermittent or flashing light source to attract attention, excluding an electronically controlled changeable-copy sign; and
- (7) a mobile billboard within the City's full-purpose jurisdiction, except that a mobile billboard operator with an office located within the boundaries of the Capitol Area Metropolitan Planning

Organization on the effective date of Ordinance No. 20080605-076 is not subject to the prohibition until two years after the effective date of the ordinance.

Source: Section 13-2-863; Ord. 990225-57; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. 20080605-076.

§ 25-10-103 - SIGNS PROHIBITED IN PUBLIC RIGHT-OF-WAY.

- (A) A person may not cause or authorize a sign to be installed, used, or maintained on or over a public property or public right-of-way, except as authorized by this chapter.
- (B) The primary beneficiary of any sign installed in violation of this section is presumed to have authorized or caused the installation, use, or maintenance of the sign in violation of this section and commits an offense.
- (C) Proof of a culpable mental state is not required for conviction of an offense under this section.
- (D) An offense under this section is punishable by a fine of not less than:
 - (1) \$ 50 for a first conviction;
 - (2) \$ 200 for a second conviction within any 24-month period; and
 - (3) \$ 400 for a third or subsequent conviction within any 24-month period.
- (E) To determine the minimum fine under Subsection (D), one or more fines assessed during a 24-hour period beginning at midnight and ending at 11:59 p.m. constitute a single conviction.
- (F) A person who commits an offense under Subsection (A) shall remove the object. In addition to other enforcement remedies, a person who fails to remove an object within 48 hours after being notified of the offense in writing by an authorized City representative is subject to a civil penalty of \$200 per day for every day or part of a day the object is in place.
- (G) The city manager may remove a sign or other advertising device installed, used, or maintained on or over any public property or public right-of-way in violation of this chapter. Notice is not required to be given to the owner or beneficiary of a sign removed under this section, either before the removal or before the disposition or destruction of the sign.
- (H) This section does not prohibit the installation, use, or maintenance in the right-of-way of:
 - (1) a sidewalk sign;
 - (2) a projecting sign in the downtown sign district;
 - (3) a street banner;
 - (4) a wall sign that is mounted flat against the building and extends not more than 18 inches from the facade of a building and into right-of-way; or
 - (5) a memorial marker.
- (I) A sign installed, used, or maintained on or over public property or public right-of-way is presumed to be abandoned, unless the sign is authorized by this chapter. Chapter 9-1 (*Abandoned Property And Vehicles*) does not apply to a sign abandoned under this section.
- (J) The remedies authorized under this section are cumulative. If the City files a civil or criminal action, it is not precluded from pursuing any other action or remedy.

Source: Section 13-2-864; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. 040422-49; Ord. 20100610-064.

ARTICLE 7. - REGULATIONS APPLICABLE TO CERTAIN SIGN DISTRICTS.

§ 25-10-121 - HISTORIC SIGN DISTRICT REGULATIONS.

- (A) Notwithstanding any other provision in this chapter, a person may not install a sign in the historic sign district, except:
 - (1) for a sidewalk sign; or
 - (2) in compliance with the requirements of Section 25-10-122 (*Historic Landmark Commission Review*).
- (B) The following are prohibited in the historic sign district:
 - (1) a sign, or any portion of a sign, that rotates; and
 - (2) a roof sign.
- (C) A person may not place a handbill, poster, placard, or other advertising device of a temporary nature on a structure in the historic sign district, except inside a window or on a bulletin board with the consent of the owner or tenant.

Source: Section 13-2-866; Ord. 990225-70; Ord. 031211-11.

§ 25-10-122 - HISTORIC LANDMARK COMMISSION REVIEW.

- (A) If a person files an application for a sign permit in the historic sign district, the building official shall immediately notify the historic preservation officer.
- (B) The historic preservation officer shall review the application and determine whether it complies with the historic sign district guidelines described in Subsection (F), if any. If the application complies with the guidelines, the historic preservation officer shall approve the application. Otherwise, the historic preservation officer shall:
 - (1) immediately notify the presiding officer of the Historic Landmark Commission of the application; and
 - (2) give at least 10 days' written notice to the applicant and land owner of the date, time, and place of the meeting at which the Landmark Commission will consider the application.
- (C) The applicant or land owner may waive the 10 day notice of the hearing.
- (D) In reviewing a sign permit application, the Historic Landmark Commission shall consider:
 - (1) the proposed size, color, and lighting of the sign;
 - (2) the material from which the sign is to be constructed;
 - (3) the proliferation of signs on a building or lot;
 - (4) the proposed orientation of the sign with respect to structures; and
 - (5) other factors that are consistent with the Historic Landmark Preservation Plan, the character of the National Register District, and the purpose of historic landmark regulations.
- (E) The Historic Landmark Commission shall approve a sign permit application if it determines that the proposed sign:
 - (1) will not adversely affect a significant architectural or historical feature of the historic sign district; and
 - (2) as applicable, is consistent with the Historic Landmark Preservation Plan, the character of the National Register District, and the purpose of the historic landmark regulations.

- (F) The Historic Landmark Commission may adopt historic sign district guidelines that describe typical signs that comply with the criteria prescribed by Subsections (D) and (E).
- (G) If the Historic Landmark Commission does not review a sign permit application by the 40th day after the date the application is filed, the application is considered approved by the Historic Landmark Commission.
- (H) The applicant or land owner may appeal a decision of the Historic Landmark Commission under this section to the city council in accordance with Chapter 25-1, Article 7, Division 1 (*Appeals*).

Source: Section 25-10-866; Ord. 990225-70; Ord. 031211-11; Ord. 041202-16.

§ 25-10-123 - EXPRESSWAY CORRIDOR SIGN DISTRICT REGULATIONS.

- (A) This section applies to an expressway corridor sign district.
- (B) This subsection prescribes regulations for freestanding signs.
 - (1) One freestanding sign is permitted on a lot. Additional freestanding signs may be permitted under Section 25-10-131 (*Additional Freestanding Signs Permitted*).
 - (2) The sign area may not exceed:
 - (a) on a lot with not more than 86 linear feet of street frontage, 60 square feet; or
 - (b) on a lot with more than 86 linear feet of street frontage, the lesser of:
 - (i) 0.7 square feet for each linear foot of street frontage; or
 - (ii) 300 square feet.
 - (3) The sign height may not exceed the greater of:
 - (a) 35 feet above frontage street pavement grade; or
 - (b) 20 feet above grade at the base of the sign.
- (C) A roof sign may be permitted instead of a freestanding sign under Section 25-10-132 (*Roof Sign Instead Of Freestanding Sign*).
- (D) Wall signs are permitted.
- (E) One commercial flag for each curb cut is permitted.
- (F) For signs other than freestanding signs or roof signs, the total sign area for a lot may not exceed 20 percent of the facade area of the first 15 feet of the building.

Source: Section 13-2-867; Ord. 990225-70; Ord. 031211-11.

§ 25-10-124 - SCENIC ROADWAY SIGN DISTRICT REGULATIONS.

- (A) This section applies to a scenic roadway sign district.
- (B) One freestanding sign is permitted on a lot.
 - (1) The sign area may not exceed the lesser of:
 - (a) 0.4 square feet for each linear foot of street frontage; or
 - (b) 64 square feet.
 - (2) The sign height may not exceed 12 feet.
- (C) Wall signs are permitted.

- (D) For signs other than freestanding signs, the total sign area for a lot may not exceed 10 percent of the facade area of the first 15 feet of the building.
- (E) In a Hill Country Roadway corridor, a spotlight on a sign or exterior lighting of a sign must be concealed from view and oriented away from adjacent properties and roadways.
- (F) Internal lighting of signs is prohibited, except for the internal lighting of individual letters.
- (G) In addition to the sign setback requirements established by Section 25-10-191 (*Sign Setback Requirements*), a sign or sign support must be installed at least 12 feet from the street right-of-way, or at least 25 feet from street pavement or curb in the right-of-way, whichever setback is the lesser distance from the street. This subsection does not apply to a political sign permitted by Section 25-10-101(L) (*Signs Allowed In All Sign Districts Without An Installation Permit*).

Source: Sections 13-2-867 and 13-2-868; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11.

§ 25-10-125 - NEIGHBORHOOD SIGN DISTRICT REGULATIONS.

- (A) Except as otherwise provided in this chapter, a sign in a neighborhood sign district must comply with this section.
- (B) A sign may be a wall sign, an awning sign, a berm sign, or a hanging sign.
- (C) The area of a hanging sign may not exceed eight square feet, and there must be not less than eight feet clearance between the bottom of the sign and the finished grade.
- (D) A building in a Neighborhood Center Area of a traditional neighborhood zoning district or used for a neighborhood urban center special use in a neighborhood plan combining district may have not more than three signs with a total sign area of not more than 24 square feet.
- (E) A commercial building in a Mixed Residential Area of a traditional neighborhood zoning district or used for a residential infill special use in a neighborhood plan combining district may have not more than two signs with a total sign area of not more than 12 square feet.
- (F) A townhouse, condominium, or multifamily building within a Mixed Residential Area of a traditional neighborhood zoning district or used for a residential infill special use in a neighborhood plan combining district may have not more than two signs with a total sign area of not more than eight square feet.
- (G) A spotlight on a sign or exterior lighting of a sign must be concealed from view and oriented away from adjacent properties and roadways.
- (H) Internal lighting of a sign is prohibited, except for the internal lighting of individual letters.

Source: Section 13-2-867.1; Ord. 990225-70; Ord. 000406-81; Ord. 031211-11.

§ 25-10-126 - LOW DENSITY RESIDENTIAL SIGN DISTRICT REGULATIONS.

The only signs permitted in a low density residential sign district are those authorized under Section 25-10-101 (*Signs Allowed In All Sign Districts Without An Installation Permit*) and Articles 8 (*Special Signs*) and 9 (*Street Banners*) of this chapter.

Source: Section 13-2-865; Ord. 990225-70; Ord. 031211-11.

§ 25-10-127 - MULTIFAMILY RESIDENTIAL SIGN DISTRICT REGULATIONS.

- (A) This section applies to a multifamily residential sign district.

- (B) One freestanding sign for each curb cut is permitted.
 - (1) The sign height may not exceed six feet.
 - (2) The sign area may not exceed 35 square feet.
- (C) Wall signs are permitted.
- (D) One commercial flag for each curb cut is permitted. The sign height may not exceed 30 feet.
- (E) For signs other than freestanding signs, the total sign area for a lot may not exceed the lesser of:
 - (1) 0.5 square feet for each linear foot of street frontage; or
 - (2) 35 square feet.

Source: Section 13-2-867; Ord. 990225-70; Ord. 031211-11.

§ 25-10-128 - NEIGHBORHOOD COMMERCIAL SIGN DISTRICT REGULATIONS.

- (A) This section applies to a neighborhood commercial sign district.
- (B) One freestanding sign is permitted on a lot.
- (C) Wall signs are permitted.
- (D) One commercial flag for each curb cut is permitted.
- (E) This subsection prescribes the maximum sign area.
 - (1) For a freestanding sign, the total sign area for a lot may not exceed the lesser of:
 - (a) 0.3 square feet for each linear foot of street frontage; or
 - (b) 100 square feet.
 - (2) For signs other than freestanding signs, the sign area may not exceed 10 percent of the facade area of the first 15 feet of building height.
- (F) The sign height may not exceed the greater of:
 - (1) 20 feet above frontage street pavement grade; or
 - (2) six feet above grade at the base of the sign.

Source: Section 13-2-867; Ord. 990225-70; Ord. 000309-39; Ord. 031211-11.

§ 25-10-129 - DOWNTOWN SIGN DISTRICT REGULATIONS.

- (A) This section applies to a downtown sign district.
- (B) One freestanding sign is permitted on a lot. Additional freestanding signs may be permitted under Section 25-10-131 (*Additional Freestanding Signs Permitted*).
- (C) Wall signs are permitted.
- (D) A wall sign may be a projecting sign if the sign complies with this subsection.
 - (1) One projecting sign for each building facade is permitted.
 - (2) The sign area of a projecting sign may not exceed 35 square feet.
 - (3) A sign may extend from the building facade not more than the lesser of:
 - (a) six feet; or

- (b) a distance equal to two-thirds the width of the abutting sidewalk.
- (4) For a sign that projects over state right-of-way, the state must approve the sign.
- (E) One commercial flag for each curb cut is permitted. A commercial flag may be suspended over public right-of-way.
- (F) This subsection prescribes the maximum sign area.
 - (1) For signs other than freestanding signs, the total sign area for a lot may not exceed 20 percent of the facade area of the first 15 feet of the building.
 - (2) For a freestanding sign, the sign area may not exceed the lesser of
 - (a) 0.5 square feet for each linear foot of street frontage; or
 - (b) 200 square feet.
- (G) The sign height may not exceed:
 - (1) for a freestanding sign, six feet; or
 - (2) for a commercial flag, 30 feet.

Source: Sections 13-2-867 and 13-2-869; Ord. 990225-70; Ord. 031211-11.

§ 25-10-130 - COMMERCIAL SIGN DISTRICT REGULATIONS.

- (A) This section applies to a commercial sign district.
- (B) One freestanding sign is permitted on a lot. Additional freestanding signs may be permitted under Section 25-10-131 (*Additional Freestanding Signs Permitted*).
- (C) A roof sign may be permitted instead of a freestanding sign under Section 25-10-132 (*Roof Sign Instead Of Freestanding Sign*).
- (D) Wall signs are permitted.
- (E) One commercial flag for each curb cut is permitted.
- (F) This subsection prescribes the maximum sign area.
 - (1) For signs other than freestanding signs, the total sign area for a lot may not exceed 20 percent of the facade area of the first 15 feet of the building.
 - (2) For a freestanding sign, the sign area may not exceed the lesser of
 - (a) 0.7 square feet for each linear foot of street frontage; or
 - (b) for a sign other than a multi-tenant sign, 200 square feet; or
 - (c) for a multi-tenant sign, 250 square feet.
- (G) The sign height may not exceed the greater of:
 - (1) 30 feet above frontage street pavement grade; or
 - (2) 6 feet above grade at the base of the sign.

Source: Section 13-2-867; Ord. 990225-70; Ord. 031211-11.

§ 25-10-131 - ADDITIONAL FREESTANDING SIGNS PERMITTED.

- (A) This section applies in the expressway corridor, downtown, and commercial sign districts.

- (B) In this section, "lot" includes contiguous lots used for a single use or unified development.
- (C) For a lot with total street frontage of more than 400 feet, two freestanding signs are permitted.
- (D) For a lot fronting on two streets, one freestanding sign is permitted on each street.
- (E) For a pad site within a unified development, one freestanding sign is permitted in addition to the other freestanding signs permitted by this chapter.

Source: Section 13-2-870; Ord. 990225-70; Ord. 031211-11.

§ 25-10-132 - ROOF SIGN INSTEAD OF FREESTANDING SIGN.

- (A) This section applies in the expressway corridor and commercial sign districts.
- (B) A roof sign may be substituted for a freestanding sign.
- (C) A roof sign may not exceed the lesser height of:
 - (1) five feet above the building facade; or
 - (2) five feet above the maximum height permitted for a freestanding sign.

Source: Section 13-2-871; Ord. 990225-70; Ord. 031211-11.

§ 25-10-133 - UNIVERSITY NEIGHBORHOOD OVERLAY ZONING DISTRICT SIGNS.

- (A) This section applies to property that is:
 - (1) within the university neighborhood overlay (UNO) zoning district; and
 - (2) outside a historic sign district.
- (B) This section supersedes the other provisions of this article to the extent of conflict.
- (C) A sign may not exceed 100 square feet of sign area, except that this limitation does not apply along the following roadways:
 - (1) Guadalupe Street, from Martin Luther King, Jr. Blvd. to West 29th Street;
 - (2) West 24th Street, from Guadalupe Street to Leon Street;
 - (3) Martin Luther King, Jr. Blvd., from Pearl Street to the alley one block east of University Avenue; and
 - (4) West 29th Street, from Guadalupe Street to Rio Grande Street.
- (D) A freestanding sign is prohibited.
- (E) A roof sign is prohibited.
- (F) A sign is prohibited above the second floor of a building, except for a sign that displays only the building name.
- (G) A wall sign may be a projecting sign if the sign complies with this subsection.
 - (1) One projecting sign for each building facade is permitted.
 - (2) The sign area of a projecting sign may not exceed 35 square feet.
 - (3) A sign may extend from the building facade not more than the lesser of:
 - (a) six feet; or
 - (b) a distance equal to two-thirds the width of the abutting sidewalk.

- (4) For a sign that projects over state right-of-way, the state must approve the sign.

Source: Ord. 20070726-132.

ARTICLE 8. - SPECIAL SIGNS.

§ 25-10-151 - ADVERTISING SEARCHLIGHTS.

- (A) A person may use an advertising searchlight if the building official issues a permit for the use.
- (B) Except as provided in Subsection (C), the building official shall issue a permit for the use of an advertising searchlight if the applicant demonstrates compliance with this subsection.
 - (1) Not more than four beams of light may be projected from a lot.
 - (2) The aggregate light intensity of the searchlights on a lot may not exceed 1,600 million foot candles.
 - (3) A searchlight located within 25 feet of street right-of-way may not project beams at an angle of less than 30 degrees above grade.
 - (4) A searchlight may not:
 - (a) project a beam at a street right-of-way or adjoining property; or
 - (b) impair the vision of a driver of a vehicle.
 - (5) An advertising searchlight may not be operated between the hours of 1:00 a.m. and 7:00 a.m.
 - (6) An advertising searchlight may not be operated on a lot for more than 10 consecutive days.
- (C) The building official may not issue a permit to operate an advertising searchlight at a location at which an advertising searchlight was used within the two months preceding the date of the permit application.

Source: Section 13-2-873; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11.

§ 25-10-152 - NONCONFORMING SIGNS.

- (A) A person may continue or maintain a nonconforming sign at its existing location.
- (B) A person may not change or alter a nonconforming sign except as provided in this subsection.
 - (1) The face of the sign may be changed.
 - (2) The sign may be changed or altered if the change or alteration does not:
 - (a) increase the degree of the existing nonconformity;
 - (b) change the method or technology used to convey a message; or
 - (c) increase the illumination of the sign.
 - (3) The sign may be relocated on a tract, if the building official determines that the relocated sign will not be hazardous, and the sign is:
 - (a) located on a tract that is partially taken by condemnation or partially conveyed under threat of condemnation; or
 - (b) moved to comply with other regulations.

- (4) A nonconforming sign may be modified or replaced in the same location, if the modification or replacement reduces:
 - (a) the sign area by at least 20 percent;
 - (b) the height of the sign by at least 20 percent; or
 - (c) both sign area and height of the sign by an amount which, combined, is equal to at least 20 percent of the sign area and height.
- (5) The owner of a nonconforming off-premise sign may relocate the sign to another tract under these provisions if the requirements of this paragraph are met.
 - (a) The original location of the sign must be:
 - (i) in the area bounded by Highway 183 from Burnet Road to Highway 71, Highway 71 from Highway 183 to Lamar Boulevard, Lamar Boulevard from Highway 71 to 45th Street, 45th Street from Lamar Boulevard to Burnet Road, and Burnet Road from 45th Street to Highway 183, or on a tract that abuts the street right-of-way of a boundary street;
 - (ii) in a scenic roadway sign district;
 - (iii) within 500 feet of:
 1. a historic sign district; or
 2. a residential structure located in a residential base zoning district; or
 - (iv) within the boundaries of a registered neighborhood association that has requested removal of the sign.
 - (b) The sign must be permanently removed from the original tract and may not be replaced. Any tract upon which an off-premise sign has been unlawfully replaced shall not be eligible as a site for a relocated sign.
 - (c) The relocated sign:
 - (i) must be in:
 1. an expressway corridor sign district; or
 2. for a sign with a sign area of 300 square feet or less, an expressway corridor sign district or a commercial sign district;
 - (ii) may not be on a tract located on a scenic roadway;
 - (iii) may not be within 500 feet of:
 1. a historic sign district;
 2. a residential dwelling unit;
 3. a tract located in a zoning district, other than an interim rural residence (RR) or commercial highway (CH) zoning district, in which:
 - a. a single-family residential use, a multi-family residential use, or a mixed use development is a permitted use; and
 - b. if the tract is developed, the existing uses on that tract include at least one dwelling unit; or
 4. a residential lot in a residential subdivision in the extraterritorial jurisdiction; and
 - (iv) if the sign is relocated within the zoning jurisdiction, it must be within a commercial or industrial base zoning district.

- (d) Sign district restrictions on sign height and face size otherwise applicable to the relocation tract do not apply to the relocated sign, but the face size of the relocated sign may not exceed that of the original sign, and the sign height of the relocated sign may not exceed 42 feet above ground level street pavement.
- (e) A relocated sign must be permanently removed from the new location not later than 25 years after the date the relocation application is approved unless within the 25 year time period the sign owner permanently removes and does not relocate a second nonconforming off-premise sign from a location described in Paragraph (5)(a).
- (f) The council may waive or modify, with or without conditions, a requirement of Paragraph (5)(a) - (e) if the council determines that the waiver or modification is justified by the aesthetic benefit to the City.
 - (i) In making the determination, the council may consider:
 - 1. the number of nonconforming off-premises signs to be removed;
 - 2. the characteristics of the sites from which the signs are to be removed;
 - 3. the characteristics of the site on which the sign is to be relocated; and
 - 4. other relevant factors.
 - (ii) The council shall hold a public hearing before acting on a proposed waiver or modification.
 - (iii) The director of the Watershed Protection and Development Review Department shall give notice of the hearing in accordance with Section 25-1-132(B) (*Notice Of Public Hearing*).
- (g) A sign may not be relocated or removed under this paragraph unless the sign is registered and all registration fees are paid as required by Subsection (F).
- (h) For each non-conforming off-premise sign relocated under this section, the sign owner must install lighting that is energy efficient, as determined by Austin Energy, and meets or exceeds International Dark Sky standards for pollution reduction. The lighting required under this subsection must be installed:
 - (i) no later than six months after the effective date of Ordinance No. 20080605-076, if the sign was relocated prior to that date;
 - (ii) upon installation of the relocated sign, if the relocation occurs after the effective date of Ordinance No. 20080605-076; or
 - (iii) for all other off-premise signs, within 36 months after the sign is registered in accordance with Subsection (F).
- (i) An applicant must:
 - (i) be the owner of each sign to be relocated or removed;
 - (ii) file an application for sign relocation with the director at least 90 days before relocating the sign; and
 - (iii) include with the application:
 - 1. a statement from the owner of each tract from which the sign is to be removed agreeing to the permanent removal of the sign; or
 - 2. a document approved by the city attorney indemnifying the city for all costs and claims arising from the sign relocation, sign removal, or permit issuance and providing that the city attorney may hire counsel for and shall direct the defense of the claims.

- (j) An applicant must relocate a sign not later than one year after the date the director of the Watershed Protection and Development Review Department approves the application.
- (C) This subsection applies to a nonconforming sign that is damaged by accident, natural catastrophe, or the intentional act of a person other than the sign owner or land owner.
 - (1) The sign owner or land owner may repair the damaged sign if the cost of repairing the sign does not exceed 60 percent of the cost of installing a new sign of the same type in the same location. Otherwise, the sign owner or land owner shall remove the sign.
 - (2) The sign owner or land owner:
 - (a) must apply to the building official for a repair permit not later than the 30th day after the date of damage, and shall finish the repairs not later than the 90th day after the date the building official approves the permit application; or
 - (b) shall remove the sign.
- (D) This subsection applies to the replacement or relocation of a nonconforming sign under Subsections (B)(3) through (B)(5).
 - (1) The sign owner or land owner may not replace or relocate the sign if it is dismantled before an application for a permit authorizing the replacement or relocation is filed.
 - (2) The sign owner or land owner shall:
 - (a) finish the replacement or relocation of the sign not later than the 90th day following the date of dismantling; or
 - (b) remove the sign.
- (E) The building official may not issue a permit for maintenance of a nonconforming sign if the maintenance cost exceeds 60 percent of the cost of installing a new sign of the same type in the same location.
- (F) This subsection applies to an off-premise sign.
 - (1) This paragraph prescribes registration and identification requirements.
 - (a) The owner of the sign must register the sign every year with the director.
 - (b) The sign owner shall, on a form prescribed by the director, provide:
 - (i) information regarding the sign location, height, size, construction type, materials, setback from property boundaries, and illumination; and
 - (ii) the name and address of the sign owner.
 - (c) The sign owner shall initially register the sign by August 31, 1999, or within 180 days after the date the sign becomes subject to the City's planning jurisdiction, as applicable, and shall pay a registration fee set by separate ordinance.
 - (d) A person who fails to register a sign as required by this paragraph commits an offense.
 - (e) A sign owner is prohibited from relocating a sign if the sign owner is in violation of the registration requirements for any sign owned by that sign owner within the City's jurisdiction.
 - (f) The sign owner shall place identifying markers on the sign as required by the director. Such markers shall include, but not be limited to, the applicable registration number and measurement points to assist in verifying the height of a sign.
 - (g) A sign owner shall, in a manner prescribed by the director, provide an annual inventory of all signs owned by that sign owner, including but not limited to a description of the sign, the location of the sign, and the owner of the property on which the sign is located.

- (h) The building official shall notify the property owner of the pending expiration of a sign registration, no earlier than 90 days and no later than 30 days prior to the expiration. The director shall provide the same notice to the sign owner if the inventory required under subsection (f) has been provided.
- (2) The director shall mail notice of an application to repair or replace a sign not later than the 7th day after the application is filed to the:
 - (a) applicant;
 - (b) neighborhood organization; and
 - (c) sign owner, if a sign owner is identified in accordance with Paragraph (1).

Source: Section 13-2-854; Ord. 990225-57; Ord. 990225-70; Ord. 010419-11; Ord. 020207-35; Ord. 031211-11; Ord. 040205-29; Ord. 20051117-041; Ord. 20080605-076; Ord. 20091217-141.

§ 25-10-153 - SIDEWALK SIGNS.

- (A) A sidewalk sign is permitted in accordance with the requirements of this section.
- (B) A sidewalk sign may be installed without a permit, but must comply with the requirements of this subsection.
 - (1) The sign must be located:
 - (a) on a sidewalk at least 10 feet in width;
 - (b) directly in front of a building that is not set back from street right-of-way, if the sign is located in the street right-of-way;
 - (c) for a unified development, on a sidewalk directly in front of the business associated with the sign;
 - (d) no closer than 20 feet from a driveway or pedestrian crosswalk; and
 - (e) in coordination with other permitted right-of-way uses, as determined by the building official.
 - (2) The sign must not:
 - (a) narrow the sidewalk to less than 6 feet in width;
 - (b) obstruct the line of sight for oncoming traffic;
 - (c) be more than four feet high; or
 - (d) be wider than the lesser of one-third the width of the sidewalk, or 30 inches.
- (C) The owner or operator of the sign must, upon request, provide the building official with proof of:
 - (1) an insurance policy protecting the City from liability arising from installation, use, or maintenance of the sign, in accordance with the requirements of Section 25-10-235 (*Insurance*); and
 - (2) indemnification of the City for liability arising from the installation, use or maintenance of the sign.
- (D) A sign may be displayed at a designated location on the sidewalk only during the hours the business it advertises is open to the public.
- (E) A business may not use more than one sidewalk sign.
- (F) Notwithstanding any other provision of this Code to the contrary:

- (1) a sidewalk sign may contain or use a supporting device placed on street right-of-way; and
- (2) approval by the city council of a license agreement for the use of street right-of-way is not required for a sidewalk sign.

Source: Section 13-2-875; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. 20070726-132.; Ord. 20090423-090; Ord. No. 20140828-148, Pt. 1, 9-8-14.

§ 25-10-154 - SUBDIVISION IDENTIFICATION SIGN.

For each major entry to a multi-lot, master planned subdivision, two permanent subdivision identification signs with combined sign area of not more than 128 square feet are permitted.

Source: Section 13-2-872; Ord. 990225-70; Ord. 031211-11.

§ 25-10-155 - URBAN FARM AND MARKET GARDEN SIGNS.

- (A) For an urban farm use, a non-electrified sign is permitted that:
- (1) is not more than eight square feet in size;
 - (2) is not more than four feet above grade.
- (B) For a market garden use, a non-electrified sign is permitted that:
- (1) is not more than four square feet in size; and
 - (2) is not more than four feet above grade.

Source: Ord. 000406-86; Ord. 031211-11; Ord. 20131121-105, Pt. 6, 3-21-14.

§ 25-10-156 - HOME OCCUPATION SIGNS.

- (A) A home occupation that is allowed under Section 25-2-900 (*Home Occupations*) may display one on-premise sign bearing the name of the home occupation if the following requirements are met:
- (1) The home occupation sign and the principal structure associated with the home occupation must both directly front a Core Transit Corridor or Future Core Transit Corridor.
 - (2) The home occupation sign may not exceed:
 - (a) for a sign that is placed on or attached directly to the ground, six square feet in area and three feet in height, as measured from the lower of natural or finished grade adjacent to the principal structure; or
 - (b) for a sign attached to a monopole of four feet in height and up to 12 inches in diameter, three square feet in area and four feet in height, with the height of both the pole and the sign measured from the lower of natural or finished grade adjacent to the principal structure.
 - (3) If an electric home occupation sign is used, the sign must be:
 - (a) non-illuminated or externally illuminated;
 - (b) energy efficient, as determined by Austin Energy; and
 - (c) compliant with International Dark Sky standards for pollution reduction.

- (B) A home occupation sign permitted under this section must be removed if the home occupation ceases to be used or fails to comply with the requirements of this section or Section 25-2-900 (*Home Occupations*).

Source: 20090827-032.

§ 25-10-157 - MEMORIAL MARKERS.

- (A) A memorial marker is permitted in the public right-of-way in accordance with the requirements of this section.
- (B) The building official shall issue a sign installation permit for a memorial marker if the following requirements are met:
- (1) The memorial marker must be placed in coordination with other permitted right-of-way uses, as determined by the building official.
 - (2) The memorial marker may not:
 - (a) be placed within:
 - (i) 20 feet of a driveway or pedestrian crosswalk; or
 - (ii) an ADA accessible sidewalk;
 - (b) narrow an existing or planned pedestrian travel way, including a sidewalk or crosswalk;
 - (c) obstruct the line of sight for oncoming traffic;
 - (d) be taller than 5 feet, 4 inches or wider than 20 inches;
 - (e) block an entrance or doorway;
 - (f) extend onto an abutting property without written approval of the landowner; and
 - (g) interfere with the maintenance of existing utilities, infrastructure, or amenities that lawfully occupy the right-of-way, including but not limited to lamp posts, parking meters, mail boxes, traffic signal stanchions and control boxes, fire hydrants, trees, benches, planters, bus shelters, or traffic control devices.
 - (3) At least 10 days prior to issuing an installation permit for a memorial marker under this section, the building official shall provide mailed notice of the proposed memorial marker to the owners of property within 25 feet of the proposed memorial marker.

Source: Ord. 20100610-064.

§ 25-10-158 - SPECIAL EVENTS SIGNS.

- (A) A permit may be issued under this section only for a sign to be used at a permitted special event that meets the criteria specified in Paragraphs (b) and (c) of Section 25-10-3(17) (*Definitions*) and includes public streets that have been closed to traffic in accordance with Title 14 (*Use of Streets and Public Property*).
- (B) For a special event occurring in the downtown sign district, the director shall issue a permit to install a projected special event sign in accordance with the requirements of this subsection.
- (1) No more than two projected special event signs are permitted per special event.
 - (2) A projected special event sign may only be displayed on a single façade of a legally permitted building and may not exceed the lesser of:

- (a) 50% of the area of the façade, or
- (b) 6,000 square feet.
- (3) A projected special event sign may be used to identify the special event and provide directions to activities occurring at the special event. Advertising of a business, person, activity, goods, products, or services that are located within the boundaries of the permitted special event may appear on no more than 50% of the sign area.
- (4) An application for a projected special event sign must be submitted by the special event permit holder and must include letters of approval from the owners of the building where the projected image will appear and the property where the projected image will originate.
- (5) A projected special event sign may not:
 - (a) shine, either fully or partially, on any property, building, or public right-of-way, including a street or sidewalk other than the building where the image will appear;
 - (b) impair the vision of or distract a driver of a vehicle;
 - (c) be controlled through social media or by any person other than the applicant; or
 - (d) be displayed at any time outside the hours of 7:00 a.m. to 2:00 a.m. during the approved duration of the special event.
- (C) A special event permit holder may install a non-projected special event sign in accordance with the requirements of this subsection.
 - (1) A non-projected special event sign:
 - (a) may not exceed 96 square feet; and
 - (b) must be attached to:
 - (i) a fence located at the boundaries of the special event venue; or
 - (ii) the wall of a legally permitted permanent or temporary structure included within the boundaries of a special event venue, if the owner of the building or structure has agreed to placement of the sign.
 - (2) A non-projected special event sign may be used to identify the special event and provide directions to activities occurring at the special event. Advertising of a business, person, activity, goods, products, or services that are located within the boundaries of the permitted special event may appear on no more than 20% of the sign area.
 - (3) A non-projected special event sign may not impair the vision of or distract a driver of a vehicle.
- (D) The director may revoke a permit for a special event sign approved under this section if operation of the sign is deemed to constitute a threat to public health and safety.

(Ord. 20140213-088, Pt. 3, 2-24-14)

§ 25-10-159 - IDENTIFICATION SIGNS ON PUBLIC RIGHT-OF-WAY INSTALLATIONS.

- (A) A sign identifying the owner, operator, or sponsor of a right-of-way installation may be installed on a right-of-way installation in accordance with the requirements of this section.
- (B) Signage installed under Subsection (A) of this section must:
 - (1) face away from portions of the right-of-way that are open to automobile traffic;
 - (2) not contain electronic images or lighting; and
 - (3) be limited in total area to the lesser of:

- (a) 30% of the area of the face of the installation on which it is installed; or
- (b) 4 square feet.

Source: Ord. No. 20140828-146, Pt. 2, 9-8-14.

ARTICLE 9. - STREET BANNERS.

§ 25-10-171 - PERMITS.

- (A) The building official may issue a permit for display of a street banner advertising a noncommercial or nonpolitical event, including a:
 - (1) charitable, humanitarian, or eleemosynary event;
 - (2) educational, scholastic, or artistic event;
 - (3) community or public interest activity; and
 - (4) the sale of goods or services in conjunction with an event the proceeds of which will primarily benefit a charitable, humanitarian, scholastic, or eleemosynary cause.
- (B) The building official shall issue a street banner display permit after determining that:
 - (1) the street banner advertises an event described in Subsection (A);
 - (2) the proposed display location has been approved under Section 25-10-173 (*Location*);
 - (3) the street banner and the manner of installation comply with the requirements established by the Electric Utility Department; and
 - (4) installation of the street banner complies with all other applicable requirements of this Code.
- (C) The building official may issue a street banner display permit subject to reasonable conditions concerning the location, mounting, duration, or manner of display.
- (D) For a street banner proposed to be displayed at a location not previously approved under Section 25-10-173 (*Location*):
 - (1) the application to display the street banner must be accompanied by payment of an evaluation fee established by ordinance; and
 - (2) after evaluation of the location and before the building official may issue a street banner display permit, the applicant shall pay the City a non-refundable fee established by ordinance to reimburse the expenses of labor, materials, and equipment incurred to establish a street banner location.
- (E) The building official may suspend or revoke a street banner display permit for a violation of this Code, the conditions of the permit, or other applicable law.

Source: Sections 13-2-874(b), (c), (d), (h), and (I); Ord. 990225-70; Ord. 031211-11.

§ 25-10-172 - RESTRICTIONS.

- (A) An event or activity may not be advertised at more than three locations. A street banner for an event or activity may not be displayed more than 14 days at one location during a 12 month period.

- (B) A street banner display permit is a license that does not confer a property right on the permittee with respect to occupancy of street right-of-way. A person may not assign or transfer a street banner display permit.

Source: Sections 13-2-874(f) and (d); Ord. 990225-70; Ord. 031030-11; Ord. 031211-11.

§ 25-10-173 - LOCATION.

- (A) The building official, in consultation with the Electric Utility Department, may establish a location for display of a street banner if the building official determines that:
- (1) display at the proposed location is feasible considering the placement of utility poles, installation of mounting brackets, or other necessary fixtures;
 - (2) display at the proposed location will not produce a public safety hazard;
 - (3) display at the proposed location is consistent with existing land uses in the area;
 - (4) display at the proposed location is consistent with other applicable laws and ordinances, including those regarding scenic views or historic preservation;
 - (5) the Electric Utility Department has inspected the proposed site and has not found a technical, logistical, or safety problem with display at the proposed location; and
 - (6) the applicant has agreed in writing that all accessions or improvements added to establish a display location shall be the property of the Electric Utility Department.

Source: Section 13-2-874(g); Ord. 990225-70; Ord. 031211-11.

§ 25-10-174 - INSTALLATION.

- (A) The Electric Utility Department shall install a street banner after:
- (1) the applicant delivers the street banner to the Electric Utility Department; and
 - (2) the Electric Utility Department verifies that:
 - (a) the building official has approved the street banner display permit; and
 - (b) the street banner complies with street banner specifications.
- (B) An improvement or accession installed at a display location becomes the property of the Electric Utility Department.

Source: Section 13-2-874(e) and (j); Ord. 990225-70; Ord. 031211-11.

§ 25-10-175 - REMOVAL; DESTRUCTION.

- (A) The building official or the Electric Utility Department may remove a street banner that:
- (1) is displayed after expiration of the street banner display permit; or
 - (2) in the opinion of the building official or the Electric Utility Department, creates a public safety hazard;
 - (3) was installed in the public right-of-way without a permit; or
 - (4) is illegal.
- (B) The building official may destroy a street banner:

- (1) after the 10th day following the expiration of the street banner display permit, if the street banner is removed under Subsection (A)(1) or (A)(2) and not reclaimed by the permittee; or
- (2) immediately, if the street banner is removed under Subsection (A)(3) or (A)(4).

Source: Sections 13-2-874(k) and (l); Ord. 990225-70; Ord. 031211-11.

ARTICLE 10. - SETBACK AND STRUCTURAL REQUIREMENTS.

§ 25-10-191 - SIGN SETBACK REQUIREMENTS.

- (A) A sign installed in compliance with this section is not required to comply with building setback requirements established elsewhere in this title.
- (B) A sign support 12 inches or less in diameter is not required to be set back from a street right-of-way.
- (C) A sign support more than 12 inches and not more than 24 inches in diameter must be set back at least three feet from a street right-of-way.
- (D) A sign support more than 24 inches and not more than 36 inches in diameter must be set back at least five feet from the street right-of-way.
- (E) A sign support more than 36 inches in diameter must be set back at least 12 feet from the street right-of-way.
- (F) Except for a wall sign, a sign within 12 feet of a street right-of-way must have either:
 - (1) a height of not more than 30 inches; or
 - (2) a clearance of at least nine feet.
- (G) This section does not apply to a political sign permitted by Section 25-10-101(L) (*Signs Allowed In All Districts Without An Installation Permit*).

Source: Section 13-2-886; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11.

§ 25-10-192 - STRUCTURAL REQUIREMENTS.

- (A) Except for a wall sign, a sign must be designed, installed, and maintained so that it will withstand a horizontal pressure of 30 pounds per square foot of exposed surface.
- (B) A lighted sign:
 - (1) may not produce glare visible to vehicle drivers; and
 - (2) must be visually separated from traffic signs, signals, and devices.

Source: Section 13-2-887; Ord. 990225-70; Ord. 031211-11.

ARTICLE 11. - INSTALLATION PERMITS.

§ 25-10-211 - SIGN INSTALLATION PERMIT REQUIRED.

- (A) A person may not install, move, structurally alter, or structurally repair a sign unless the building official has issued a sign installation permit. This prohibition does not apply to:
 - (1) a sign described in Section 25-10-101 (*Signs Allowed In All Sign Districts Without An Installation Permit*); or
 - (2) routine maintenance, nonstructural repair, or re-facing of an existing sign.
- (B) The fee for a sign installation permit is established by separate ordinance and is nonrefundable.
- (C) For an electrical sign, an electric permit is required before:
 - (1) a person may install, move, structurally alter, or structurally repair the sign; or
 - (2) the building official may issue an installation permit for the sign.
- (D) For a sign to be replaced under Section 25-10-152(B)(5) (*Nonconforming Signs*), the building official may not issue an installation permit until the required sign removal is completed.

Source: Section 13-2-900; Ord. 990225-70; Ord. 020207-35; Ord. 031211-11.

§ 25-10-212 - EXPIRATION AND EXTENSION OF SIGN INSTALLATION PERMIT.

- (A) Except as provided in Subsection (B), a sign installation permit expires on the 180th day after the permit is granted unless the applicant requests a final inspection before the permit expires.
- (B) The building official may grant a single 90 day extension of a sign installation permit if the applicant requests an extension before the permit expires.
- (C) If an extension is granted under Subsection (B), the permit expires on the 270th day after the permit is granted unless the applicant requests a final inspection before the permit expires.

Source: Section 13-2-902; Ord. 990225-70; Ord. 031211-11.

ARTICLE 12. - REGISTRATION.

§ 25-10-231 - REGISTRATION REQUIRED.

- (A) Except as provided in this section, a person may not install, move, structurally alter, structurally repair, or maintain a sign unless the person is registered with the building official in accordance with this article.
- (B) The registration requirement of Subsection (A) does not apply to:
 - (1) an employee of a person who is registered; or
 - (2) a person who:
 - (a) paints or refaces an existing sign;
 - (b) installs or maintains a sign authorized under Section 25-10-101 (*Signs Allowed In All Sign Districts Without An Installation Permit*);
 - (c) installs individual components of a wall sign not attached to each other as part of a larger sign, if each component is less than 32 square feet in size, securely affixed to a building, fence, or wall, and not more than three inches thick;
 - (d) installs or maintains a freestanding sign that is not more than eight feet in height; or

- (e) installs a sidewalk sign.

Source: Sections 13-2-905 and 13-2-875(d)(2); Ord. 990225-70; Ord. 031211-11.

§ 25-10-232 - REGISTRATION FEE.

An applicant must pay a registration fee in the amount established by separate ordinance when the applicant files an application for the registration required by this article.

Source: Section 13-2-910; Ord. 990225-70; Ord. 031211-11.

§ 25-10-233 - PREREQUISITES; EXPIRATION; NONTRANSFERABLE.

- (A) The indemnification agreement and proof of insurance required by this article is a prerequisite to registration.
- (B) Registration expires on December 31 of each calendar year.
- (C) Registration under this article is not transferable.

Source: Section 13-2-906; Ord. 990225-70; Ord. 031211-11.

§ 25-10-234 - INDEMNIFICATION.

A registrant shall:

- (1) indemnify the City from all liability arising from the person's activities or operations; and
- (2) pay all expenses incurred in defending against a claim made against the City.

Source: Section 13-2-907; Ord. 990225-70; Ord. 031211-11.

§ 25-10-235 - INSURANCE.

A registrant shall purchase and maintain at all times insurance for bodily injury and property damage liability in amounts and with the coverages, terms, and conditions required by rules promulgated by the city manager in accordance with Chapter 1-2 (*Adoption Of Rules*) of the Code.

Source: Section 13-2-908; Ord. 990225-70; Ord. 031211-11.

§ 25-10-236 - REVOCATION AND SUSPENSION.

- (A) The Board of Adjustment may suspend or revoke the registration of a person after determining that the person is guilty of:
 - (1) fraud or deceit in registering under this article;
 - (2) allowing a person other than the registrant who obtained the sign installation permit, or an employee acting under the direct supervision of that person, to perform work for which that permit is required;
 - (3) gross negligence, incompetency, or misconduct in the performance of sign work;

- (4) intentionally making a false or misleading material statement on the application for a sign installation permit or in providing facts to support the building official's determination that a particular sign is a nonconforming sign;
 - (5) installing, moving, or structurally altering or repairing a sign in violation of this chapter; or
 - (6) failing to maintain the insurance required by this article.
- (B) This subsection prescribes the procedure by which the Board of Adjustment shall determine whether a registrant has violated a provision of Subsection (A).
- (1) If the Board of Adjustment receives sworn information alleging a violation from a person of sound mind and legal age, the Board of Adjustment shall determine whether the information is sufficient to support further action in its part.
 - (2) If the Board of Adjustment determines that the information supports further action, it shall schedule a public hearing on the allegation.
 - (3) Notice of the date, time, and place of the hearing shall be mailed to the registrant by registered mail, not less than 15 days before the date of the hearing.
 - (4) The registrant may appear in person or be represented by counsel to present a defense to the Board of Adjustment. If the registrant does not appear, the Board of Adjustment may hear evidence and make a determination on the allegation in the registrant's absence.
 - (5) If the registrant admits the violation, or if the Board of Adjustment, by at least a two-thirds vote, determines that the allegation is true, the Board of Adjustment shall suspend or revoke the registration. A suspension shall be for a period of not less than 30 days and not more than 180 days.
 - (6) When the Board of Adjustment has completed its hearing, it shall file a record of its determination with the city clerk and forward a certified copy of its finding and decision to the registrant.
- (C) The Board's decision may be appealed to the city council in accordance with Chapter 25-1, Article 7, Division 1 (*Appeals*).
- (D) A person whose registration is revoked may not register for a period of one year after the revocation.

Source: Section 13-2-909; Ord. 990225-70; Ord. 031211-11; Ord. No. 20141211-204, Pt. 23, 7-1-15.

§ 25-10-237 - PENALTY FOR FAILURE TO REGISTER.

A person who fails to register a sign as required by Section 25-10-152(F) commits an offense punishable by a fine of up to \$500 per day for each day that the offense continues, and for each sign that is not registered. A person who violates Section 25-10-152(B)(6)(b) commits an offense punishable by a fine of up to \$500 per day for each day the violation continues.

Source: Ord. 20080605-076.